

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1285

In Re: JAMES A. ROSE, III,

Debtor.

ALGERNON LEE BUTLER, III, Trustee in Bankruptcy for James A.
Rose, III,

Trustee - Appellant,

v.

DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE;
RESIDENTIAL FUNDING COMPANY, LLC,

Defendants - Appellees,

and

WILLIAM WALT PETTIT,

Defendant.

Appeal from the United States District Court for the Eastern
District of North Carolina, at New Bern. Louise W. Flanagan,
Chief District Judge. (7:09-cv-00145-FL; L-08-00080-8-AP)

Submitted: February 15, 2011

Decided: March 21, 2011

Before MOTZ, DUNCAN, and DAVIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Algernon L. Butler, III, BUTLER & BUTLER, L.L.P., Wilmington, North Carolina, for Appellant. Alan B. Powell, Christopher C. Finan, ROBERSON, HAWORTH & REESE, P.L.L.C., High Point, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Algernon L. Butler, III, as trustee in bankruptcy for the estate of James A. Rose, III, appeals from the district court's order affirming the bankruptcy court's order denying the trustee's motion seeking to invalidate – on the basis of a typographical error – the deed of trust currently held by Deutsche Bank Trust Company Americas on certain real property of the estate. The bankruptcy court and the district court held that a bona fide purchaser would have been on notice as to the error in the deed and, therefore, the trustee may not avoid the lien under 11 U.S.C. § 544(a) (2006). We have reviewed the record included on appeal, the parties' briefs, and all supplemental materials before the court and we find no reversible error. Accordingly, we affirm for the reasons stated below. In re Rose (Butler v. Deutsche Bank Trust Co.), Nos. 7:09-cv-00145-FL; L-08-00080-8-AP (E.D.N.C. July 20, 2009; Feb. 9, 2010). We deny the Appellant's motion for reconsideration of this court's order entered June 10, 2010, and we dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED